

**REMARKS / DISCUSSION OF ISSUES**

The present amendment is submitted in response to the Non-Final Office Action mailed July 21, 2011. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

***Status of Claims***

Upon entry of the present amendment, claims 1-19 will remain pending in this application. Claims 1 and 9 have been amended. Applicants respectfully submit that no new matter is added by the present amendments.

***Interview Summary***

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Thursday, October 20, 2011. Discussion focused on different proposed amendments to the independent claims. The Examiner indicated that the proposed amendment to claim 1 appeared to overcome the presently cited art. However, the newly proposed claim was not approved by the Examiner in light of discussions pertaining to Applicant's support in the specification. Applicant's attorney sincerely appreciates the Examiner's and Examiner's Supervisor willingness to discuss the issues at great length, thereby advancing prosecution of the entire application to allowance.

***Claim Rejections under 35 USC 103***

- I. In the Office Action, Claims 1-13 and 18-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Striemer et al. (U.S. Patent No. 6,931,463) in view of DeGeorge (U.S. Application No. 2003/0135868), Hind (U.S. Patent No. 6,772,331) and Hawkins (U.S. Patent No. 6,516,202). The rejections are respectfully traversed.

Independent claim 1, as herewith amended, is clearly patentably distinguishable over the (Striemer/ DeGeorge/ Hind/ Hawkins), taken singly and in any combination. More

particularly, the cited portions of (Strierner/ DeGeorge/ Hind/ Hawkins) do not anticipate claim 1, because the cited portions of (Strierner/ DeGeorge/ Hind/ Hawkins) fail to disclose every element of claim 1. For example, the cited portions of (Strierner/ DeGeorge/ Hind/ Hawkins) fail to disclose or suggest,

*“...the one or more functionality devices being externally activated, via a remote control device, wherein the activation is conditional upon communication of one or more codes to provide external regulation on use of one or more additional functionality features to be performed whilst the one or more functionality devices is in proximity to the entertainment device...”*

Applicants respectfully submit that (Strierner/ DeGeorge/ Hind/ Hawkins) taken singly or in any combination disclose or suggest the newly recited feature set forth in independent claim 1. Claim 1 is now directed to an entertainment system whereby a “functionality device” is activated by a remote control (third party device) conditioned upon communication of one or more (security) codes.

Support for the amendment can be found throughout Applicant’s specification and in particular at pages 3 and 6-7.

Page 3, lines 9-13:

Where validation and/or authorization is desirable, at least one of said one or more functionality devices is preferably activated by using electromagnetic signal communication with an additional device. **More preferably, the activation is conditional upon communication of one or more codes.** Such codes are preferably private-public key encryption type codes.

Pages 6 lines 33-34 through page 7, line 7:

Activation of the functionality device may, alternatively to a push button as described in the foregoing, **be done from a remote control**, and the functionality device may contain a component 33 enabling communication between a remote control and the functionality device. **Such activation may be further conditional upon entering an access code, the access code may be entered via the remote control.** Activation via a code provides for operability of the functionality device being conditional upon the consent of

the owner of the functionality device, thus making the functionality device a personal device, yet rendering it attachable to any electronic device that supports the feature of the button.

Turning to the prior art of record, DeGeorge is cited in the office action for teaching that additional features can be controlled through a remote control. However, DeGeorge is not cited for, and does not teach “activation” of the functionality device via the remote control. It is respectfully submitted that the remote control disclosed in DeGeorge is used to control the entertainment device and **not** the functionality device. Support for this critical distinction is provided as follows.

The Office cites DeGeorge at page 2, par. 16 for showing a receiver 90 controlled through a remote control

Par. 16 of DeGeorge discloses:

[0016] FIG. 1 is a block diagram which illustrates an exemplary system configuration according to the present invention. In this system configuration, a digital television receiver 90 is coupled to display video information on a video display device 98. In the exemplary embodiment, receiver 90 is a set-top box (STB) which may be coupled to receive digital and analog television signals from a signal supplier via a satellite dish, a terrestrial antenna, and a cable connection. It is contemplated, however, that it may be an analog television receiver having an integrated display device (not shown). In the exemplary embodiment, the receiver 90 is also coupled to receive digital and analog video, audio, and data signals from a VCR 113 using a video cassette (not shown). In another embodiment, device 113 may be a digital versatile disk (DVD) (not shown) or similar device which produces an analog television signal. The VCR is coupled to receiver 90 via a communications channel 96. As described below, the VCR 113 provides the analog television signal via the channel 96 to the receiver 90. **Also shown in FIG. 1 is a remote control device 94 for controlling receiver 90.** In the exemplary embodiment, the data program provided by the VCR 113 consists of computer software which reconfigures receiver 90 by updating or replacing the program code and/or program data in receiver 90. In an alternative embodiment, the data program may be provided to receiver 90 from a satellite dish, a terrestrial antenna, and a cable connection.

It is readily understood that Applicant's functionality device is equivalent to the VCR device in DeGeorge, both being the source of so-called "additional features". Given this equality, it therefore follows that DeGeorge does not teach that the remote control device 94 controls a functionality device, as claimed. Instead, DeGeorge teaches the control **an entertainment device** (a receiver) coupled to the functionality device.

It is further submitted that DeGeorge does not disclose, teach or suggest wherein the activation is conditional upon communication of one or more codes whilst the two devices are in close proximity, as claimed.

Referring to Fig. 1 of DeGeorge

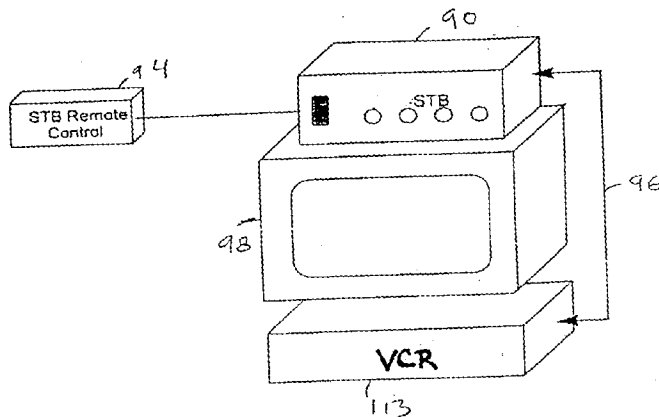


FIG. 1

Fig. 1 shows that the remote control device 94 controls the entertainment device (receiver) and not the functionality device (VCR). The receiver 90 is shown coupled to receive digital and analog video, audio, and data signals from a VCR 113 (= applicant's functionality device) using a video cassette (not shown), where the additional functions are provided by the VCR 113. In contrast to DeGeorge, claim 1 recites in relevant part that the functionality device is externally activated via a remote control.

Claims 5 and 8 of Applicant's specification are directed to accessing the functionality device (claim 5) using a secure code (claim 8). In the Office Action, claim 5 is rejected over Streimer for disclosing "*access to the one or more additional functionality features of said*

*one or more functionality devices is conditional upon activation of the one or more functionality devices.”* In making the rejection, Applicants are referred to Col. 5, lines 1-17 of Streimer. The Examiner asserts that from the perspective of the electronic device, in order to activate the functions of the companion device, a link must be established, along with proper authentication and authorization information.

Applicants respectfully note Streimer does not cure the deficiency in DeGeorge in that activation in Streimer is conducted between the electronic device and the functionality device and not between a remote control device and the functionality device, as claimed.

Hind and Hawkins are not cited for teaching features of activation or control codes. Accordingly, Striemer/ DeGeorge/ Hind/ Hawkins, taken singly or in any combination do not appear to disclose, suggest, or provide motivation for the limitations set forth in Claim 1. In view of the above, Applicants respectfully submit that the rejection of Claim 1 under 35 U.S.C. §103(a) are improper and should be withdrawn.

It is respectfully submitted that independent Claim 9 has been amended to recite similar features as those of independent Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 9 and allowance thereof is respectfully requested. Claims 3-8, 10-13 and 18-19 depend from one of independent Claims 1 and 9 and therefore include the claim limitations of their respective independent claims.

II. Claims 14 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Striemer, DeGeorge, Hind, Hawkins in view of Sylvester et al. (U.S. Application No. 2003/0068034). The rejections are respectfully traversed.

Claims 14 and 17 depend respectively from independent Claims 1 and 9 and therefore include the claim limitations found in respective Claims 1 and 9. Claims 14 and 17 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1 and 9. Additionally, Sylvester does not address the deficiencies of Striemer, DeGeorge, Hind and Hawkins with respect to independent Claims 1

and 9. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 14 and 17 and allowance thereof are respectfully requested.

III. Claims 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Strierner, DeGeorge, Hind and Hawkins in view of Kelley et al. (U.S. Application No. 2004/0253944). The rejections are respectfully traversed.

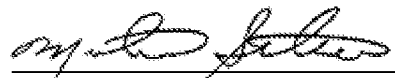
Claims 15 and 16 depend respectively from independent Claims 1 and 9 and therefore include the claim limitations found in Claims 1 and 9. Claims 15 and 16 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1 and 9. Additionally, Kelley does not address the deficiencies of Strierner, DeGeorge, and Hawkins with respect to independent Claims 1 and 9. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 15 and 16 and allowance thereof are respectfully requested.

### **Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-19 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Scaturro, Esq., Intellectual Property Counsel, Philips Electronics North America, at 516-414-2007.

Respectfully submitted,



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